

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL L LUCKERT,  
Plaintiff,  
  
v.  
  
EDWARD GUTIERREZ,  
Defendant.

Case No. 19-cv-08204-PJH

**ORDER RE ADMINISTRATIVE  
MOTION AND MOTION FOR  
DISCOVERY**

Re: Dkt. 124, 125

On February 20, 2024, defendant filed an administrative motion for an expert discovery schedule, asking the court to set a deadline of March 15, 2024 for expert disclosures, and March 29, 2024 for the close of expert discovery. See Dkt. 124. Defendant's motion was filed with an attorney declaration stating that he had attempted to make telephone contact with plaintiff about the motion, but was unable to do so, and the telephone number appeared to have been disconnected. See Dkt. 124-1 at 2. Defendant's motion also contained a proof of service showing that a copy of the motion was sent by mail to the address that was on file at the time. See Dkt. 124 at 3.

On February 27, 2024, the court received two filings from plaintiff: (1) a notice of change of address, providing the Santa Rita Jail in Dublin, California as his new address (Dkt. 126), and (2) a motion for discovery (Dkt. 125). Both are dated February 20, 2024. See id. Thus, it appears that plaintiff was incarcerated at the time that defendant filed his administrative motion, and did not receive the mail notice of the motion that was sent to his previous address.

Accordingly, defendant is directed to re-serve the administrative motion by mail to plaintiff's updated address by **March 1, 2024**. Plaintiff shall then have until **March 11,**

1 **2024** to file a response to the administrative motion.

2 Defendant is also directed to file a response to plaintiff's motion for discovery, to  
3 be filed by **March 11, 2024**.

4 It is unknown whether plaintiff can receive email at the jail, but defendant shall  
5 nonetheless continue to email documents as well as send them to plaintiff by regular  
6 mail.

7 **IT IS SO ORDERED.**

8 Dated: February 29, 2024

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/s/ Phyllis J. Hamilton

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PHYLLIS J. HAMILTON  
United States District Judge

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United States District Court  
Northern District of California